

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

MRI SOFTWARE, LLC,	)	CASE NO. 1:12-cv-01082-CAB
	)	
Plaintiff,	)	JUDGE Christopher A. Boyko
	)	
v.	)	
	)	
LYNX SYSTEMS, INC.,	)	
	)	
DONALD ROBINSON,	)	
	)	
Defendants.		

**JOINT REPORT AND PROPOSED SCHEDULE**

Pursuant to the Court's September 30, 2014 Order, counsel for Plaintiff, MRI Software, LLC ("MRI"), and Defendants, Lynx Systems, Inc. ("Lynx") and Donald Robinson ("Robinson"), have conferred regarding a proposed schedule and report as set forth below as to the matters requested by the Court.

**I. Status of Discovery:**

Lynx and MRI have exchanged written discovery and produced documents. Both parties need to supplement their written discovery responses and document production. For example, Lynx will need to collect and produce relevant, responsive emails and documents created after April 2013, the date of its last collection. MRI likewise need to collect and produce relevant, responsive emails and documents created after its latest collection and production. In addition, the parties are negotiating an addendum to the Protective Order, pursuant to which MRI will produce source code, as set forth in the parties' September 30, 2014, Joint Report Regarding Source Code Protective Order Addendum (ECF#140). The parties anticipate taking deposition discovery following such supplementation. Lynx previously agreed to make 9 witnesses

available for deposition (*see* Doc. No. 135, March 17, 2014 Stipulation), and has requested from MRI depositions of six witnesses, a Rule 30(b)(6) designee, and MRI's former Chief Executive Officer for deposition.

Discovery between MRI and Robinson has not yet commenced. Robinson and MRI expect to conduct written, documentary and deposition discovery simultaneous with the discovery outlined above.

All parties presently believe the foregoing additional fact discovery can be completed within the next four months. In view of the number and complexity of the technical issues in the case, the parties expect that they will need approximately two-and-one-half months of expert discovery thereafter, as set out in the proposed schedule below.

## **II. Joint Proposed Schedule:**

- Robinson Initial Disclosures: October 27, 2014
- Non-Expert discovery cut-off date: February 27, 2015
- Expert reports on issues where party has the burden of proof: April 1, 2015.
- Expert reports on issues where party does not have the burden of proof: May 1, 2015.
- Reply expert reports on issues where party has the burden of proof: May 15, 2015
- Expert discovery cut-off date: June 15, 2015
- Opening Summary Judgment Briefs: July 15, 2015
- Trial: At the Court's Convenience, October/November 2015

## **III. The Parties' Position on Whether a Mediation and/or Settlement Conference Would be Useful at this Time:**

The parties conducted a mediation in this case on June 23, 2014, during which they reached agreement as to a lump sum settlement payment to be paid by Lynx. As part of a settlement, the parties also agreed to negotiate the terms of a prospective business relationship

consistent with their earlier discussions in March 2014. Since the June mediation, the parties have exchanged several drafts of a Services Agreement to govern their relationship going forward, but the parties have reached an impasse as to several material terms. The parties do not believe further mediation would be worthwhile, however Lynx and Robinson believe that a settlement conference with the Court would be useful at this time. In view of Lynx's and Robinson's stated positions on the issues that remain in dispute and past exchanges, MRI is skeptical that a settlement conference is likely to resolve the remaining issues; however, MRI will make itself available for a settlement conference if the Court so orders.

October 17, 2014

Respectfully submitted,

/s/ Georgia K.E. Yanchar

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